

Agenda item: 01

Staff person handling: Sandra Straehl

Date/location: June 3-4 in West Yellowstone, MT

Item: **East Bozeman Interchange wetland mitigation**

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### **Background**

MDT currently has unfulfilled wetland mitigation commitments on several completed projects in the Bozeman area. These projects include: *Bozeman-Four Corners*, *Four Corners-West*, and the *North 19<sup>th</sup> Overpass*.

The original wetlands mitigation plan was formulated in 1996. It would have used a 15-acre parcel of land in the northwest quadrant of the I-90 East Main Street Interchange that is owned by MDT. The original plan established a partnership with an adjacent developer who was to contribute the construction activities on the MDT-owned property to mitigate both the MDT projects and the developer's residential and commercial development.

Although the developer began construction of the mitigation measures in 1999, the developer has now gone bankrupt and the site remains unfinished. The relationship between the MDT and the developer has been dissolved with the following language but the commitments for wetland mitigation remain: "both parties release the other party of any obligations imposed upon either party by said lease and agreement."

This project would complete the wetland mitigation and stream restoration commitments on this parcel by utilizing Montana State University engineering students to conduct topographic surveys, develop conceptual and final engineering designs for the site and develop the entire project. MDT anticipates \$75,000 will be needed for preliminary and final design by MDT forces residing at MSU, environmental documentation, and public involvement. As MDT owns the property, no right-of-way costs are involved.

Construction costs including construction engineering are estimated at \$220,000.

### **Summary**

With the expenditure of approximately \$295,000, we can move ahead to fulfill our wetland mitigation commitments in the Bozeman area.

### **Staff recommendations**

Staff recommends the Transportation Commission approve the addition of this project to the program.

### **Notes/discussion**

### **Commission action**

Agenda item: 02

Staff person handling: Sandra Straehl

Date/location: June 3-4 in West Yellowstone, MT

Item: **Enhancement projects on MDT right-of-way**

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## **Background**

*Mineral County project in Superior*

**River St Walks-Superior** – This enhancement project is located in Superior along both sides of River Street between Interstate 90 and Mullen Road. This project will construct approximately 20 handicap accessible corners, replace sidewalk, curb and gutter, and repaint cross walks.

*City of Sidney project in Sidney*

**S Central Bike/Ped Trl-Sidney** – The scope of this project is for a 900-foot pedestrian/bicycle trail. The work will include: constructing an asphalt bike/pedestrian trail over an irrigation ditch, concrete curb and gutter, sidewalks, grading and seeding. This project crosses Central Ave (MT 16) just north of the Lincoln Avenue junction in Sidney.

*Musselshell County project in Roundup*

**Courthouse Landscape-Roundup** – This enhancement project calls for the replacement of concrete sidewalks, removal of retaining wall, some grading, landscaping and installation of benches. This project will also provide historic preservation to the courthouse with the replacement of 17 windows and three doors. The courthouse and sidewalks are adjacent to Main Street (US 12) in Roundup.

*City of Missoula project in Missoula*

**Madison St Br Bike/Ped-MSLA** – The scope of this project is for the design and construction of a bicycle/pedestrian bridge. The location of the new bicycle/pedestrian bridge is underneath the existing Madison Street vehicular bridge in Missoula.

*City of Billings project in Billings*

**Jackson St Sidewalks-Billings** – This enhancement project will design and construct approximately 2,600 feet of a 7-foot wide sidewalk, 1950 feet of curb and gutter and ADA ramps. The project is located on the west side of Jackson Street between King Avenue and Kratz Lane.

*City of Billings project in Billings*

**Gabel Rd Bike/Ped Path-BLGS** – This project will design and construct approximately two miles of 10-foot wide concrete bicycle/pedestrian path and a bridge over the BBWA canal, reseeding, landscaping and signage. Project includes four street crossings: at King Avenue, at 32nd Street West, at South 29th Street West and at the Gabel Road and Hesper Road intersection.

*City of Billings project in Billings*

**Alkali Creek Bike/Ped-Billings** – This enhancement project calls for the design and construction of a bicycle/pedestrian trail. This project includes the following activities: installation of concrete sidewalks, curb and gutter, a multiuse path and seeding along the path. This project is located on both sides of Alkali Creek Road between Airport Road and Senators Boulevard.

### **Summary**

All work will be in accordance with current design standards, and ADA requirements.

With the addition of the *River St Walks-Superior* project, Mineral County will have obligated \$ 163,297 of the \$221,099 made available from CTEP.

With the addition of the *S Central Bike/Ped Trl-Sidney*, the City of Sidney will have obligated \$423,903 of the \$425,482 made available from CTEP.

With the addition of the *Courthouse Landscape-Roundup* project, Musselshell County will have obligated all of the \$130,093 made available from CTEP.

With the addition of the *Madison St Br Bike/Ped -MSLA* project, the City of Missoula will have obligated \$2,986,661 of the \$3,070,109 made available from CTEP.

With the addition of the *Jackson St Sidewalks-Billings*, *Gabel Rd Bike/Ped Path-BLGS* and *Alkali Creek Bike/Ped-Billings* projects, the City of Billings will have obligated \$4,626,057 of the \$5,359,128 made available from CTEP.

### **Staff recommendations**

Staff recommends the commission approve the addition of these projects to the program.

### **Notes/discussion**

### **Commission action**

Agenda item: 03

Staff person handling: Sandra Straehl

Date/location: June 3-4 in West Yellowstone, MT

Item: **Crow Reservation Wetland Study**

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### **Background**

This wetland feasibility study will, in cooperation with the Crow Indian Nation, locate potential wetland mitigation sites for current and future wetland impacts associated with MDT transportation projects within the confines of the Crow Indian Reservation. MDT currently needs wetland mitigation for several proposed projects including: *Bighorn River Bridge-Hardin, Hardin-North, and 8 Miles South of Hardin-South.*

MDT purposes to hire a consultant to coordinate with Crow Tribal Fish & Game and Environmental Resource personnel in locating potential wetland and stream restoration projects within the reservation boundaries. This project would also develop conceptual plans that meet permitting requirements for the Corps of Engineers and the Environmental Protection Agency, and coordinate credits for the proposed mitigations amongst the various involved agencies. The consultant will be responsible for conducting environmental studies and developing conceptual designs.

### **Summary**

At this time we are requesting preliminary engineering funding in the amount of \$50,000 to cover consultant costs of \$45,000 under an environmental term contract and \$5,000 for MDT staff efforts associated with coordination with the consultant, Crow tribal personnel and permitting agencies.

### **Staff recommendations**

Staff recommends the Transportation Commission approve the addition of this project to the program.

### **Notes/discussion**

### **Commission action**

Agenda item: 04

Staff person handling: Sandra Straehl

Date/location: June 3-4 in West Yellowstone, MT

Item: **City of Billings construction projects on state systems**

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### **Background**

The City of Billings has designed and built, or is planning to design and build, transportation improvement projects in the Billings urban area to be funded with various local funds. Listed on the attached sheet are locations, scope and estimated costs of projects that lie on the State Urban Highway System. A location map is also attached. Projects that are on MDT right-of-way or are under state maintenance jurisdiction have been, or will be, designed with input and concurrence from MDT staff.

### **Summary**

The City of Billings is asking the Transportation Commission delegate authority to them to let and award contracts for projects not yet completed.

### **Staff recommendations**

Staff recommends the Commission approve the project list and delegate its authority to let, award and administer the contracts for projects yet to be completed to the City of Billings pending concurrence of the Administrator of the Engineering Division.

### **Notes/discussion**

### **Commission action**

Agenda item: 05

Staff person handling: Sandra Straehl

Date/location: June 3-4 in West Yellowstone, MT

Item: RR *XING* – *NE of Fairmont Hot Springs* **project**

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### **Background**

The Butte District has identified one railroad-crossing surface for improvement. The improvement will be funded using Secondary Roads Program funds. The proposed improvement will involve removal of the existing wooden ties and tracks and installing new ties, rail and concrete surface. The site is located in Silver Bow County on Secondary 441, just west of its junction with I-90 (Gregson Interchange), reference post 3.116.

This site is considered a stand-alone site, which means the Surface Transportation Program Secondary (STPS) funds will pay for the materials and the railroad authority will install the surface at their cost. The estimated construction cost is \$27,200 to MDT for materials only; Rarus Railroad will contribute the labor to construct the site as consistent with MDT policy.

### **Summary**

MDT has the opportunity to partner with Rarus Railroad in improving the railroad crossing northeast of Fairmont Hot Springs, west of Butte. MDT would pay for the materials (approximately \$27,200) and the railroad would be responsible for construction.

### **Staff recommendations**

Staff recommends the Commission approve the addition of this project to the program.

### **Notes/discussion**

### **Commission action**

Agenda item: 06

Staff person handling: Sandra Straehl

Date/location: June 3, 2004 West Yellowstone, MT

Item: **Vegetation Management Program**

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### **Background**

A need has been identified to establish a post-construction revegetation management program utilizing Federal-aid. Traditional maintenance budgets and workloads have been impacted by the burden of maintaining post-construction vegetation and erosion control items. The intent of the project is to provide funding from the Surface Transportation Program (STP) and a process to manage the post-construction environmental and noxious weed control obligations after projects have been completed.

This will be a statewide pilot project with the following amounts identified for the individual districts.

Missoula	\$200,000
Butte	\$100,000
Great Falls	\$100,000
Glendive	\$100,000
Billings	<u>\$100,000</u>
Total	<u>\$600,000</u>

The details of the proposed pilot program are attached. Please note, this program will be monitored for one year and then modified as needed.

### **Staff recommendations**

Staff recommends Commission approve the statewide pilot project in the amount of \$600,000.

### **Notes/discussion**

### **Commission action**

Agenda item: 07

Staff person handling: Sandra Straehl

Date/location: June 3, 2004 in West Yellowstone

Item: **Transit Section 5310 Capital Assistance Program**

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### **Background**

The Federal Transit Administration's Section 5310 Program provides capital assistance to agencies that provide transportation to elderly persons and persons with disabilities. In 2003, these agencies provided approximately one million rides to these transit-dependent Montanans. Funding for this program is 80 percent federal and 20 percent local. There are no state funds involved.

Each year, MDT's Transit Section requests applications from eligible transit providers, conducts regional application training workshops, and assists applicants in developing applications. MDT staff then works with representatives from the Governor's Office of Indian Affairs and various offices within the Department of Public Health and Human Services representing services to the aging, developmentally disabled, vocational rehabilitation clients, and Medicaid/Medicare recipients to review applications and develop the recommended list of capital expenditures.

At its April 27, 2004 meeting, the Commission asked staff to provide additional information about the selection process for recipients of Section 5310 capital assistance. Attached are several documents that describe this process which is consistent with federal requirements and the federally-mandated State (Transit) Management Plan.

### **Attachment A**

Recommended expenditures of FY 2005 Section 5310 Capital Assistance Program funding.

### **Attachment B**

General timeline for the annual Section 5310 grant application and selection process. This process takes ten months to complete.

### **Attachment C**

Selection and screening process used to score Section 5310 applications. Scores that address needs of providers are developed by the State Selection and Screening Committee\* and combined with scores by MDT staff that address technical program oversight requirements. The final combined score is used in developing the list (Attachment A) presented to the Transportation Commission. Note: The Federal Transit Administration conducts regular management reviews of MDT federal transit program management processes as documented in the State (Transit) Management Plan. The most recent FTA management review, which occurred in 2003, concluded that MDT's processes were exemplary and worthy of adoption in other states.

**Attachment D**

Applications for FY 2005 Section 5310 Program and STP funding ranked by average scores. Applications highlighted in blue are those recommended for funding with Section 5310 funds based on average scores and available funding.

*Attachment E*

Section 5310 and STP applications for FY 2004 ranked by average scores. This attachment illustrates the variability in applicants from year to year. The Transportation Commission approved the applications highlighted in blue for Section 5310 funding.

\*The State Selection and Screening Committee includes representatives from the Governor's Office of Indian Affairs and Department of Public Health and Human Services (aging services, developmentally disabled, vocational rehabilitation, and Medicaid/Medicare).

**Staff recommendations**

Staff recommends the Commission approve the Section 5310 capital assistance expenditures as shown in attachment A in accordance with the authority provided by MCA 60-2-110.

**Notes/discussion****Commission action**

Agenda item: 08

Staff person handling: Sandra Straehl

Date/location: June 3-4, 2004 in West Yellowstone, MT

Item: **Federal Transit Administration Section 5311 Capital Assistance Program**

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**Background**

The goals of the Federal Transit Administration's Section 5311 Program are to enhance the access of residents outside of urbanized areas with more than 50,000 in population (Billings, Great Falls, Missoula) to health care, shopping, education, employment, public services and recreation; assist in the maintenance, development, improvement, and use of public transportation systems; and encourage the most efficient use of federal funds through the coordination of programs and services.

In 2003, Montana's nine Section 5311 providers provided over 350,000 rides. Funding for Section 5311 capital assistance is 80 percent federal and 20 percent local. There are no state funds involved.

In addition to Section 5311 capital and operating assistance, MDT also supports Montana's Section 5311 providers with FTA Section 5313 planning funds and FTA Section 5311(b) Rural Transit Assistance Program (RTAP) funds. The providers use planning funds to develop federally required Transit Development Plans and MDT provides RTAP funding for education and training of provider staff.

Each year, MDT's Transit Section requests applications from eligible Section 5311 transit providers, conducts regional application training workshops, and assists applicants in developing applications. MDT staff then works with representatives from the Governor's Office of Indian Affairs and various offices within the Department of Public Health and Human Services representing services to the aging, developmentally disabled, vocational rehabilitation clients, and Medicaid/Medicare recipients to review applications and develop the recommended list of capital expenditures.

At its April 27, 2004 meeting, the Commission asked staff to provide additional information about the process used to select recipients of Section 5311 capital assistance. Attached are several documents that describe this process, which is consistent with federal requirements and the federally-mandated State (Transit) Management Plan.

*Attachment A*

Recommended list of expenditures for recipients of FY 2005 Section 5311 capital assistance. This list is identical to the list presented to the Commission at its April meeting with the exception of proposed changes to the funding of the Butte-Silver Bow trolley in response to Commission comments. These changes reflect adjustments to the trolley specifications and an increase in local funding participation to reduce the Federal share to an amount equivalent to that required for similar-sized buses. Since there were no other requests for

vehicles from Section 5311 providers, MDT will use the resulting savings of \$45,000 in Federal funds to fund rehabilitation of older Section 5311 vehicles.

In the future, staff will apply this same policy of requiring additional match and/or revised specifications for vehicles such as trolleys that include features not necessary to provide basic transportation services. The goal will be to reduce the Federal funding share to approximately what it would be for regular vehicles with similar capacities.

*Attachment B*

General timeline for the annual Section 5311 grant application and selection process. This process takes approximately nine months to complete.

*Attachment C*

Criteria used in review of Section 5311 applications.

*Attachment D*

Five-year history of Federal funding distribution to current Section 5311 providers.

*Attachment E*

List of applicants and recipients for 2004 Section 5311 capital assistance.

*Attachment F*

Overall funding distribution for all MDT-administered transit programs.

**Staff recommendations**

Staff recommends the Commission approve the Section 5311 capital assistance expenditures as shown in attachment A, including the recommended changes to the Butte-Silver Bow trolley, in accordance with the authority provided by MCA 60-2-110.

**Notes/discussion**

**Commission action**

Agenda item: 09

Staff person handling: Joel Marshik, Chief Engineer

Date/location: June 3-4, 2004 in West Yellowstone

Item: **Special speed zones**

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### **Background**

Staff has performed traffic and engineering studies for the following:

- a. US 287 – Ennis North
- b. Secondary 512 – Hall East
- c. Shiloh Interchange connector route
- d. US 93 – St. Ignatius

Please see the attachments for more detail.

### **Summary**

The appropriate local government concurs with the recommendations put forth by MDT.

### **Staff recommendation**

Staff recommends the commission approve the special speed zones as proposed.

### **Notes/discussion**

### **Commission action**

Agenda item: 10

Staff person handling: Drew Livesay

Date/location: June 3-4 in West Yellowstone, MT

Item: **Collection of revenue owed to MDT for lost permits**

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### *Background*

Commercial motor carriers signed individual agreements with MDT's motor carrier services division (MCS) in the early 1990s that authorized participating carriers to self-issue sequentially numbered books of permits as needed in order to operate legally on Montana highways. In so doing, carriers also agreed to pay for all self-issued permits after the fact, and to be financial responsible for any lost permits.

The "book permit" program was discontinued in July 2003 at the recommendation of the legislative auditor's office. At that time, 51 carriers held over \$200,000 worth of unused permits.

To date, carriers have returned unused permits, or paid for lost permits valued at approximately \$150,000. Six carriers have been unable to provide permits valued at approximately \$50,000. This amount remains outstanding after nearly a year of concentrated efforts including polite letters, invoices and final notices. Two options now remain.

- 1) Turn the remaining carriers over to the Department of Revenue for "bad debt" collection at a cost to MDT of 30% of the amount collected.
- 2) Begin the process whereby the permit privileges of any carrier failing to reimburse MCS for the value of all lost permits might ultimately be revoked.

### **Summary**

MCS is seeking guidance from the commission regarding collection of monies owed to MCS by carriers who signed a financial responsibility agreement in the early 1990s and have failed to comply with the terms and conditions of that agreement.

### **Staff recommendations**

Staff recommends option #2 above.

### **Notes/discussion**

### **Commission action**

Agenda item: 11

Staff person handling: Joel Marshik

Date/location: June 3-4 in West Yellowstone, MT

Item: **Amend access control resolution**  
RF 77(20) *East Helena – East and West*

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## **Background**

Mr. Spencer, owner of Casey Truss, has requested a direct access onto US Highway 12 on the eastern edge of East Helena. This is an access control facility, with limited access control across the entire property frontage. No access for this parcel was allowed within the initial access control resolution. At the time the highway was constructed, the affected property was not encumbered by deed, and no other real property interests were acquired, as the highway was constructed entirely on purchased railroad property in this area.

**This has been amended to reflect additional restrictions as requested by the Transportation Commission during the April 27, 2004 meeting.**

REQUESTED CHANGE – The purpose of this amendment is to allow for a single commercial access to the Casey Truss business. This will allow large trucks to access the parcel directly from US Highway 12. **This access will serve only Casey Truss and the adjoining cabinetry business.** Any additional use of this access is prohibited without approval of the Transportation Commission.

PROPOSED USE OF APPROACH – The request is for a commercial approach. The access granted will not only serve the Spencer property but also the Palmer parcel (cabinetry business) that lies adjacent to the applicant's parcel. **The exact use of the property as it currently operates is all that will be allowed.** Any mitigation of impacts due to development will be addressed during the permitting process, as the landowner will be required to apply for an approach permit before any physical construction within the right-of-way can take place. The Butte district will be responsible for the permitting process and enforcement of any stipulations agreed to on the approach permit.

REASON FOR REQUEST – The current access is not preferable for the level of economic development planned in this area. The access is circuitous, and involves traveling through an area of mixed industrial and residential use. The City of East Helena has confirmed that this is a logical area of expansion and infill for the community. However, no additional traffic generated from new economic development will be allowed to access the highway at this location until the appropriate MDT review and commission action approves the change in use of the approach. Without this approval, any additional traffic will be required to access the existing city street system.

LOCATION – The property is located at mile marker 50, just east of the junction of US Highway 12 and Secondary 518 on the easterly edge of East Helena, on the north side of the highway.

PROPERTY DESCRIPTION – The Spencer property consists of approximately 5.7 acres. This parcel contains his building truss fabrication plant. A similar sized tract owned by Mr. Larry Palmer that currently holds a cabinet construction business bounds the Spencer parcel on the west. To the east of the Spencer parcel is East Helena Rental, a commercial equipment rental shop. The Spencer parcel is currently accessed by Clark Street abutting its north boundary. US Highway 12 abuts over 400 feet of the parcels south boundary.

CURRENT ACCESS TO PARCEL – Both the Spencer and Palmer parcels access US Highway 12 via Clark Street to Lane Avenue to the west, and Clark Street onto the public approach locally designated as “Cemetery Road”. Cemetery Road accesses the highway by an approach on the east side of East Helena Rental’s property.

HISTORY OF AREA – The eastern area of East Helena is continuing to see development of parcels along US 12. The development is a mix of smaller commercial uses.

HISTORY OF PARCEL – This parcel has not seen much development outside of the Casey Truss manufacturing facility. The City of East Helena has recently extended a water service main into this parcel for future commercial business use. This was undertaken in the City’s latest water service infrastructure upgrades.

No access rights were acquired from this parcel at the time of construction. The highway in this section was constructed entirely on railroad right-of-way, and no notification was made to the original landowner that access control was to be implemented in this area. Further, no document is on record that a title search would identify that indicates any access restriction specific to this property.

EXISTING HIGHWAY CROSS-SECTION – The cross-section of highway in this area is that of a transition between a three-lane and a five-lane facility. Shoulders are adequate in both directions of travel. Modifications may be required in this area to accommodate the additional left turning traffic. These modifications may include the addition of a left turn bay.

SIGHT DISTANCE – The alignment is relatively straight and level, and sight distance exceeds that which is required in both directions.

ADJACENT APPROACHES – There are no anticipated conflicts with the adjacent approaches if this approach is allowed.

ACCIDENT HISTORY – There is no accident history for the access point, as this is a new access request. The wide shoulder will provide right-turning vehicles an emergency refuge area if needed. The access will need to be located in such a manner as not to conflict with the Secondary 518 intersection to the west of the property.

OTHER SAFETY CONCERNS – The City of East Helena submitted a letter of support for this access. The letter also outlined the city’s concerns over the present access to the Spencer property. The mayor states *“Presently, traffic exit off the main highway onto Lane Avenue and then onto Clark Street. When traffic uses this route, it raises several safety concerns. As well as*

*commercial property, Clark Street is a residential area. A residential area should not be used as a thoroughfare for traffic. The safety of people in our community and should not be jeopardized.”*

NEPA DOCUMENT – Not required, as no funds were expended on purchasing access for this parcel.

OPPOSITION – There is no known opposition to this amendment at this time.

FAIR MARKET VALUE – No access rights or right-of-way was obtained from the landowner at the time of construction in this area. As MDT is not disposing of a previously acquired right, there is not an issue of fair market value for the access rights.

PORTION OF RESOLUTION TO BE AMENDED – The effected area of the resolution is under item B.2., Private Road Approaches, from Station 184+00+/- left and right to Station 286+50+/- left and right. Language will be added that states, **“on the left side, one (1) private approach will be allowed between stations 245+00 and 250+00...”**. **“The private approach on the left between stations 245+00 and 250+00 is for the sole use of the truss manufacturing facility and the adjacent cabinetry manufacturing facility. Any change in operation, or addition of business uses to these properties will require the appropriate MDT review, and must be reviewed and approved by the Transportation Commission before the additional traffic may use the private approach as ingress/egress to the highway at the permitted location.”**

EXHIBITS – No exhibits are attached, as the commission is familiar with the parcel location from the previous meeting.

DISTRICT REVIEW – The Butte district office has reviewed the request, and has determined that this additional approach will not adversely impact the roadway system in this area. They recommend that the approach be allowed.

CONDITIONS OF USE – **If the access is approved, an approach permit will be issued. Use will be restricted to that of the existing businesses, specifically the truss fabrication and cabinetry operations.** The final location of the access will be determined at the time of issuance of the permit by the Butte district office. The access will connect with Clark Street to the north and will not restrict travel through the parcel and the connecting roadways.

#### **Staff recommendations**

Staff recommends approval.

#### **Notes/discussion**

#### **Commission action**

Agenda item: 12

Staff person handling: Joel Marshik, Chief Engineer

Date/location: June 3-4, 2004 in West Yellowstone

Item: **Letting lists**

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**Background**

Joel will distribute the most current lists of upcoming projects slated for advertisement and bid letting.

**Staff recommendation**

Staff recommends approval of the letting lists.

**Notes/discussion**

**Commission action**

Agenda item: 13

Staff person handling: Joel Marshik, Chief Engineer

Date/location: June 3-4, 2004 in West Yellowstone, MT

Item: **Certificates of completion**

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### **Background**

Attached are certificates of completion for March 2004.

### **Summary**

<i>Month</i>	<i>Original contract amount (monthly total)</i>	<i>Final payment amount (monthly total)</i>
March 2004	\$13,086,244	\$13,492,573

### **Staff recommendation**

Staff recommends approval.

### **Notes/discussion**

### **Commission action**

Agenda item: 14

Staff person handling: Joel Marshik

Date/location: June 3-4, 2004 in West Yellowstone, MT

Item: **Work/change orders**

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### **Background**

Attached are work orders for March and April 2004.

### **Summary**

<i>Month</i>	<i>Total</i>
March 2004	\$442,611.45
April 2004	\$(1,132,095.37)
	<u><b>\$(689,483.92)</b></u>

### **Staff recommendation**

Staff recommends approval.

### **Notes/discussion**

### **Commission action**

Agenda item: 15a

Staff person handling: Joel Marshik, Chief Engineer

Date/location: June 3-4 in West Yellowstone, MT

Item: **Liquidated damages – IM 0002(501)** *Bridge deck improvements/Great Falls*

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### **Background**

Cop Construction, LLC of Billings, MT, overran the contract time by eight days. We wrote the contractor on March 22, 2004 of the overrun of contract time. They were informed they had 30 days in which to respond if they intended to request a waiver from the Commission. They were also informed that if a written reply was not received within 30 days, the liquidated damages would stand.

### **Summary**

Award date:	November 21, 2001	Proceed date:	December 24, 2001
Work began:	April 3, 2002	Work completed:	September 26, 2003
Contract time:	120 working days	Work extensions:	56 days
Time used:	184 days	Overrun:	8 days

### **Staff recommendations**

As there was no response from the contractor, we recommend assessing eight days at \$1,818 per day for a total of \$14,544.

### **Notes/discussion**

### **Commission action**

Agenda item: 15b

Staff person handling: Joel Marshik, Chief Engineer

Date/location: June 3-4 in West Yellowstone, MT

Item: **Liquidated damages – IM 15-1(91)17** *Lima-Red Rock*

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### **Background**

JTL Group, Inc. of Billings, MT, overran the contract time by 30 days. We wrote the contractor on March 29, 2004 of the overrun of contract time. They were informed they had 30 days in which to respond if they intended to request a waiver from the commission. They were also informed that if a written reply was not received within 30 days, the liquidated damages would stand. As there was no response from the contractor, our recommendation is as noted below.

### **Summary**

Award date:	April 11, 2002	Proceed date:	May 13, 2002
Work began:	August 30, 2002	Work completed:	September 24, 2003
Contract time:	100 working days	Work extensions:	2 days
Time used:	132 days	Overrun:	30 days

### **Staff recommendations**

We recommend assessing 30 days at \$2,303 per day for a total of \$69,090.

### **Notes/discussion**

### **Commission action**

Agenda item: 16

Staff person handling: Dave Galt

Date/location: June 3-4, 2004 in West Yellowstone, MT

Item: **Commission discussion and public comment**

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**Items for discussion:**

- Letters of support for continuing the bike/ped path on Montana Avenue
- Urban funding proposals

**Notes/discussion**

Agenda item: 17

Staff person handling: Dave Galt

Date/location: June 3-4, 2004 in West Yellowstone, MT

Item: **Schedule next commission meeting**

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Staff's availability is good for the following dates:

- August 5
- August 11
- September 8

### April 2004

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

### May 2004

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### June 2004

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

### July 2004

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### August 2004

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### September 2004

Su	Mo	Tu	We	Th	Fr	Sa	
				1	2	3	4
5	6	7	8	9	10	11	
12	13	14	15	16	17	18	
19	20	21	22	23	24	25	
26	27	28	29	30			

### October 2004

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### November 2004

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

### December 2004

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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